UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/28/Add.1
22 February 1990

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Report on the human rights situation in Romania submitted by Mr. J. Voyame, Special Rapporteur appointed in accordance with resolution 1989/75 of the Commission on Human Rights

ADDENDUM

GE.90-10913/1579B

CONTENTS

		Paragraphs	Page
	INTRODUCTION	1 - 7	1
I.	CHRONOLOGY OF EVENTS SINCE THE COMPLETION OF THE REPORT (E/CN.4/1990/28) ON THE HUMAN RIGHTS SITUATION IN ROMANIA	8 - 28	2
II.	EXAMINATION OF INFORMATION COMPILED	29 - 64	4
	A. Right to life and to physical and moral integrity; respect for privacy	29 - 35	4
	B. Administration of justice	36 - 42	6
	C. Freedom of movement	43 - 44	7
	D. Freedom of thought, conscience, religion or belief	45 - 48	8
	E. Freedom of opinion and expression	49 - 52	8
	F. Right of assembly and association; participation in the conduct of public affairs	53 - 57	9
	G. Right to work; trade union rights	58 - 59	10
	H. Right to an adequate standard of living	60	10
	I. Right to education; cultural rights	61 - 63	11
	J. Rights of persons belonging to minorities	64	11
III.	CONCLUSIONS AND RECOMMENDATIONS	65 - 69	12

ANNEXES

I.	Comments by the Romanian authorities on specific cases and on cases of family reunification	14
II.	Programme of work	16
III.	Decree No. 7/1990 establishing emergency military courts to try and punish terrorist acts	18

INTRODUCTION

1. Pursuant to the terms of Commission on Human Rights resolution 1989/75, on 18 December 1989, the Special Rapporteur submitted to the Commission a report (E/CN.4/1990/28) in which he endeavoured to present, from information he had been able to gather outside the country, as faithful a picture as possible of the human rights situation in Romania, as well as his conclusions and recommendations. In view of the revolutionary events since that date and the radical changes they have produced, the Special Rapporteur has deemed it necessary to submit to the Commission an addendum to his report. The present document updates the report and relates to developments in Romania since 18 December 1989.

2. In view of those events, on 10 January 1990, the Special Rapporteur sent a letter to Romania's Minister for Foreign Affairs in which he again asked for the co-operation of the Romanian authorities in discharging his mandate, including the possibility of visiting Romania. It should be remembered that such co-operation had been refused by the previous Government. In his reply, dated 23 January 1990, the Minister for Foreign Affairs assured the Special Rapporteur of full co-operation from the Romanian authorities in the discharge of his mandate, more particularly a visit to Romania. In a letter dated 1 February 1990 the Special Rapporteur suggested a week-long visit to Romania starting on 12 February 1990. The suggestion was accepted by the new authorities and the visit lasted from 12 to 16 February 1990.

3. In the course of his stay in Romania, the Special Rapporteur was received, in accordance with the programme worked out in consultation with the Romanian Ministry of Foreign Affairs, by Mr. Corneliu Manescu, Deputy Chairman of the Executive Bureau of the Provisional Council of National Unity and Chairman of the Commission on Foreign Policy, Colonel-General Mihail Chitac, Minister of the Interior, Mr. Romulus Neagu, acting Minister for Foreign Affairs, Mr. Dan Petrescu, Deputy Minister of Culture, as well as by high-ranking officials of the Ministry of Foreign Affairs and the Ministry of Defence. The Special Rapporteur also had talks with members of various commissions of the Provisional Council of National Unity, including Mr. N. Stancescu, Chairman of the National Commission to Consider Claims and Complaints of Victims of the Dictatorship, along with other members of the Commission on the Constitution and Human Rights and of the Commission on National Minorities. In connection with the administration of justice, the Special Rapporteur met Mr. G. Robu, the Public Prosecutor, Mr. M. Popa, president of the court of the municipality of Bucharest, together with other civilian and military judges.

4. The Special Rapporteur also had the opportunity to talk with a number of leaders of the main political parties, representatives of non-governmental organizations concerned with human rights issues, former dissidents, representatives of the Hungarian minority and other persons.

5. On 15 February 1990 the Special Rapporteur visited Cluj, where he met the prefect of the region, the mayor of Cluj, and a local representative of the National Salvation Front. He also spoke with Mrs. Doina Cornea and with members of the Hungarian minority.

6. The Special Rapporteur would point out that, in the course of his visit to Romania, he met with unfailing help from the authorities, enjoyed complete freedom of movement and freely met all the persons with whom he wished to talk.

7. This addendum to the main report (E/CN.4/1990/28) is based largely on the Special Rapporteur's observations in the course of his visit. It contains a chronology of the main events since the beginning of the revolution, a brief examination of the information gathered on the spot, and conclusions and recommendations which take account of the new situation in Romania. Comments by the Romanian authorities on the list of special cases and on cases of requests for family reunification mentioned in the main report appear in annex I of this addendum. Annex II describes the Special Rapporteur's programme of work during his visit to Romania, and annex III reproduces the text of Decree No. 7/1990, establishing emergency military courts.

I. CHRONOLOGY OF EVENTS SINCE THE COMPLETION OF THE REPORT (E/CN.4/1990/28) ON THE HUMAN RIGHTS SITUATION IN ROMANIA

8. This chapter outlines the main events which have influenced the human rights situation in Romania since the revolution in December 1989. It is based on news items in the international press.

9. 16/17 December 1989. Riots against the Ceausescu Government broke out in Timisoara and were violently put down by the forces of law and order, more particularly the Securitate (State police). The forces of law and order fired into the crowd, killing and wounding many people; the exact number still has not been accurately determined.

10. 21 December 1989. A large demonstration was arranged by the Government in Bucharest to support President Ceausescu. However, the demonstration turned against the régime and so triggered the revolution. As a result of attempts to put down the movement, a large number of people were killed and wounded in the capital.

11. 22 December 1989. A group of former dissidents and members of the military, proclaiming that they formed the National Salvation Front, announced on television that they had taken control; violent fighting still continued between the army, which had joined the revolution, and members of the Securitate. The Presidential Palace was taken over by the crowd and the President and his wife fled from the capital.

12. 23 December 1989. The National Salvation Front announced the release of all political prisoners and the arrest of President Ceausescu and his wife, Elena. Fighting was still going on between the army and the Securitate.

13. 24 December 1989. The fighting continued and Mr. Ion Iliescu, the Front's spokesman, proclaimed that the revolution was victorious. He also announced that the presidential couple would be tried by a military court.

14. 25 December 1989. The National Salvation Front announced that Nicolae and Elena Ceausescu had been sentenced to death and executed for the following reasons: the genocide of more than 60,000 people in the course of their reign; infiltration by the State by organizing armed action against the people

READEX FICHE

and the authorities; theft and destruction of public property (by demolishing certain buildings and razing towns and villages); misappropriation of the national economy; attempted escape to recover more than 1,000 million dollars in foreign banks.

15. 26 December 1989. Mr. Ion Iliescu was appointed Chairman of the Council of the National Salvation Front.

16. 27 December 1989. At its first plenary meeting, the Council of the National Salvation Front adopted a number of urgent measures to establish emergency courts to try "terrorists", repeal certain laws of the previous régime, and make arrangements for the distribution of food products.

17. 28 December 1989. Mr. Ion Iliescu, Chairman of the Council of the National Salvation Front, described the new organization of power in Romania. The Council, consisting of 36 members, was intended to head the country until elections were held in April 1990. The Council proceeded to appoint members of the government and adopt measures to do away with some earlier legislation and to reorganize the system of government. The Council had an 11-member Executive Bureau headed by Mr. Ion Iliescu.

18. 29 December 1989. The Government announced that the new name for the Romanian State was "Romania".

19. 31 December 1989. The Chairman of the Council of the National Salvation Front announced the abolition of the death penalty, the introduction of a five-day working week from March onwards and the start of a programme to redistribute collectivized land to the peasants. It was also announced that the Securitate had been dissolved and that its former chief, Iulian Vlad, had been arrested.

20. 12 January 1990. At a demonstration by several thousand people in Bucharest, the Chairman of the Front announced that a referendum would be held on 20 January 1990 on restoring the death penalty for "terrorists" and on outlawing the Romanian Communist Party.

21. 17 January 1990. The Council of the National Salvation Front repealed the two decrees of 12 January 1990 mentioned above.

22. 23 January 1990. The Council of the National Salvation Front announced that free elections were to be held on 20 May 1990 and that the Front, as such, would be a candidate.

23. 27 January 1990. The trial began in the Bucharest Military Court of four leaders of the previous régime: Emil Bobu, former number three; Ion Dinca, former Deputy Prime Minister; Manea Manescu, former Deputy Chairman of the Council of State; and Tudor Postelnicu, former Minister of the Interior. On 2 February 1990 they were given life sentences.

24. 28/29 January 1990. A demonstration was called in Bucharest by the traditional political parties to protest against the Front's decision to take part in the elections, and a counter-demonstration also took place.

25. 3 February 1990. A Provisional Council of National Unity was established to replace the Council of the National Salvation Front. It consists of 241 members, half of the seats being reserved for the political parties (three members each) and the other half for various leading non-governmental figures who played a role in the revolution, as well as for representatives of national minorities.

26. 9 February 1990. The Provisional Council of National Unity held its first meeting.

27. 13 February 1990. The Provisional Council of National Unity elected Mr. Ion Iliescu Chairman by consensus. The Council decided on a 21-member Executive Bureau. Sixteen standing commissions were set up: Commission on Reconstruction, Economic Development and Foreign Trade; Commission on Agriculture; Commission on Youth; Commission on Foreign Policy; Commission on Science and Technology; Commission on Education; Commission on Culture; Commission on the Environment and Ecological Balance; Commission on National Minorities; Commission on Local Administration; Commission on Organization; National Commission to Consider and Settle Claims and Complaints by Victims of the Dictatorship; Commission on Health; Commission on the Constitution and Human Rights; Commission on Labour and Social Protection; and Commission on Abuses under the Previous Régime.

28. 18 February 1990. In a demonstration the government headquarters were stormed and Mr. Gelu Voican-Voiculescu, Deputy Prime Minister of the Provisional Government, was manhandled by demonstrators. In the evening the army took back the government headquarters, after clashes leaving 3 soldiers dead and 20 injured.

II. EXAMINATION OF INFORMATION COMPILED

A. Right to life and to physical and moral integrity; respect for privacy

29. According to the information and testimony compiled by the Special Rapporteur, there has been a marked improvement in the human rights situation with regard to respect for the right to life and to physical and moral integrity and respect for privacy. The official authorities with which the Special Rapporteur talked confirmed that a decree abolishing the death penalty had been adopted. A national commission had been set up to consider and settle claims and complaints by victims of the dictatorship, and later, a commission to inquire into abuses committed by former leaders.

30. Most of the senior members of Provisional Council of National Unity and the Government whom the Special Rapporteur had occasion to meet in Bucharest and Cluj assured him that no complaint concerning violations of the right to life and physical or moral integrity had been officially recorded during the period since 22 December 1989.

31. Leading non-governmental figures met by the Special Rapporteur, in particular senior members of the political parties and groupings, human rights activists and other intellectuals, expressed the opinion that, despite the unquestionable improvement in the situation, there was still some concern about respect for the right to life. Several persons stated that a member of

the National Peasant Party had been beaten to death at Bacau. Others mentioned several cases of violent death among members of the Hungarian minority. The Special Rapporteur was also told that a person who had criticized the National Salvation Front had been killed in a car accident in as yet unexplained circumstances. Many persons stated that the use of violence had not entirely ceased, especially against demonstrators; in that connection, many references were made to the demonstration organized by the traditional parties on 28 January 1990 and the counter-demonstration, which had allegedly been sparked off by televised appeals by the Front and in the course of which several persons had been ill-treated, and some had even had to receive hospital treatment. Similarly, many party headquarters had been looted or destroyed. Apart from these manifestations of physical violence, a certain amount of psychological intimidation allegedly continues to be used. Thus, many persons told the Special Rapporteur of death threats to themselves, relatives or acquaintances. In addition, attempts have reportedly been made to discredit certain leaders of political groupings and other public figures through defamation. The situation was described as more serious in the countryside and small towns, where the structures of the old régime have to a large extent remained in place. One case of a hunger strike in protest against intimidation of this kind was reported to the Special Rapporteur in Cluj.

32. Many persons have serious doubts about the establishment of responsibilities in the December 1989 massacres and about the arrest of the persons involved. In this connection, the Special Rapporteur witnessed demonstrations by army personnel demanding, inter alia, that those responsibilities should be clearly established.

33. As regards the Securitate, which was considered to be the principal instrument of repression and violation of human rights under the old régime, the Special Rapporteur was informed by the Government that that body had been placed under the authority of the Ministry of Defence. Senior officials of the Ministry explained that a number of agents had been retired, others had been redeployed, mainly in industry, and only the units responsible for guarding embassies and buildings of strategic importance had been retained and were now incorporated within the army. The number of members of the Securitate had been officially put at about 30,000 for the whole country (20,000 in Bucharest); to that figure should be added an undetermined number of collaborators. Several interlocutors from non-governmental circles criticized the fact that no precise information had been given on the way in which the problem of the Securitate had been resolved. Several persons stated that they had seen former Securitate agents in the same institutions as those where they had previously operated. It was emphasized that greater openness could have played an appreciable part in dispelling fear and suspicion and creating a climate of trust in Romania.

34. With regard to the problem of arbitrary intrusions into privacy, the Special Rapporteur was informed that the telephone-tapping network used by the former authorities had been placed under seal by the army. According to the Minister of the Interior, the personnel responsible for telephone-tapping have been reassigned to other activities and even though some tapping equipment still exists, it is no longer operable. However, many persons questioned by the Special Rapporteur expressed doubts about the complete dismantling of this

network and regretted that no specific evidence of such an operation had been displayed (for example, television pictures showing that tapping equipment had been deactivated throughout the country). Many persons said that they were virtually certain that their telephone conversations were still being intercepted, although they were unable to give concrete proof in support of their statement. On the other hand, as regards the confiscation or monitoring of correspondence, which had been common in the past, all the persons questioned by the Special Rapporteur expressed their conviction that that practice had stopped.

35. Generally speaking, several persons, including members of the Provisional Council of National Unity, stressed that, despite the virtual disappearance of the atmosphere of fear and insecurity which had reigned in the past, there was still a climate of suspicion and the former constant surveillance of citizens had left marks which would take some time to disappear.

B. Administration of justice

36. In the course of his conversations with senior officials responsible for the administration of justice, in particular the Government Attorney, the president of the court of the municipality of Bucharest and other civilian and military judicial officers, and with senior members of the Ministry of the Interior and the Ministry of Defence, the Special Rapporteur was given information about the operation of the courts and recent changes in the judicial sphere. According to senior members of the Judiciary, no interference is now tolerated in the activities of the Judiciary, which constitutes a third, completely independent branch of authority; judges will henceforth be selected solely in accordance with the criterion of personal competence and no longer in the light of political considerations.

37. The Special Rapporteur received information on the method of operation of the emergency military courts set up under Decree No. 7 of January 1990 (see annex III) to try former leaders. Unlike the ordinary military courts, of which there were a limited number (four for the whole country), an emergency military court is planned for each district, to be formed by three officers serving as people's assessors and two local judges. In the four districts where ordinary military courts already existed, the emergency courts are operating with the participation of three officers (people's assessors) and two military judges. This procedure provides for the possibility of appeal to the Territorial Court. The procedure followed by the emergency military courts essentially differs from the ordinary procedure in its summary character, which makes it an emergency procedure. Hearings are public, and several trials have in fact been broadcast on television. The Special Rapporteur was informed that the institution of the emergency military courts was of a temporary nature and would be terminated as soon as possible.

38. The Special Rapporteur also received information concerning a number of changes under way in the area of the administration of justice. Thus, in accordance with the recently drafted electoral bill, the Government Attorney and the President and members of the Supreme Court, who were previously elected by the Grand National Assembly, will henceforth be appointed by the Head of State. Similarly, the bar association is being reorganized, and legislation currently being drafted will amend the regulations governing the police force, with the aim of purging it and depoliticizing it.

39. The Special Rapporteur was given an assurance that all political detainees and other prisoners who had been gaoled under iniquitous decrees had been released.

40. Leading non-governmental figures with whom the Special Rapporteur talked generally expressed their satisfaction at the release of political prisoners, but expressed reservations about the administration of justice by the new authorities. Thus, the summary procedure used to try the former leaders, which all interlocutors deemed justified owing to the exceptional circumstances, was nevertheless considered by some as a means of evading real responsibilities and avoiding implicating certain persons in office. Several persons expressed regret at the lack of information about the precise number of persons arrested and the fact that the former senior members of the Judiciary have, by and large, remained in office. Criticism was also levelled against a certain lack of legal rigour in the application of the various procedures, the slowness of inquiries to establish responsibility for misdeeds committed by the previous régime and the refusal to admit certain depositions on this question, particularly in the provinces.

41. The Special Rapporteur was informed of the proposed establishment of committees to investigate the treatment of detainees. According to the information received, no case of ill-treatment of prisoners has been reported since the installation of the new authorities. However, improvement of the legislation in force was considered necessary.

42. As to the right of defence, criminal procedure, which for the moment remains unchanged, provides that during the investigation, which is conducted by the prosecutor's department and may last up to four months (which may be extended by court decision), the detainee may contact a lawyer or his family only with the authorization of the prosecutor. Detainees do not have access to the case file until the end of the investigation.

C. Freedom of movement

43. According to the information compiled by the Special Rapporteur, the measures that formerly impeded the right to freedom of movement have been abolished. Thus the decree governing residence in towns by persons from other localities has been repealed. Similarly, the law on compulsory postings on completion of studies has been abolished by decree and the assignment of higher-education graduates will henceforth be effected on the basis of a competitive examination. It was, however, emphasized that settlement of the posting question ultimately depended on the long-term trends of the economic system, and that the problem would differ according to whether a planned-economy or market-economy system was adopted. For a transitional period, commissions have been established in each district to examine and try to deal with applications for reunification made by members of the same family who are currently posted to different workplaces.

44. The legislative provisions concerning passports have also been amended. In the opinion of almost all the persons questioned about this by the Special Rapporteur, there is in principle no longer any impediment to the issue of tourist passports to Romanian citizens within 10 or 20 days of the date of application. Some difficulties remain for technical reasons, and

freedom to travel abroad is in practice curtailed by strict currency control. Some persons said that they were concerned about the legislative provisions under which a passport may be refused or withdrawn on grounds of moral unfitness; they are afraid that this clause may give rise to abusive interpretations by the authorities.

D. Freedom of thought, conscience, religion or belief

45. All the persons questioned on this subject by the Special Rapporteur stated that freedom of conscience and religion had been fully restored. All sects are now authorized, except those whose practice might jeopardize public order, health or morals. Legislation is currently being drafted to guarantee religious freedoms, but these freedoms are already respected in practice.

46. There are, however, still a few problems of a practical nature, in particular with regard to subsidies received by Churches from abroad. Subsidies are currently tolerated unofficially, but not on a legal basis.

47. The Greek (Uniate) Catholic Church, whose legal existence had ended with a decree of 1 December 1948, has been re-established. However, the problem of the restoration of that Church's property, which had been taken over by the Orthodox Church, remains unresolved.

48. Among the signs of the effective restoration of freedom of worship, mention was made of the broadcasting of religious services on television and radio. Similarly, priests of the Greek Catholic Church, who do not have their own places of worship, have been able to hold mass in Roman Catholic churches, notably Cluj Cathedral.

E. Freedom of opinion and expression

49. According to testimony and information compiled by the Special Rapporteur, the human rights situation has improved considerably with regard to freedom of opinion and expression. The authorities have repealed articles of the Penal Code restricting the exercise of these freedoms, together with laws and decrees regulating ownership and use of typewriters and photocopying machines and the monitoring of contacts between Romanians and foreign visitors. New legislation on the press is being drafted.

50. The emergence of free and independent press organs was confirmed repeatedly. Most of the persons questioned on this point by the Special Rapporteur stated that the press freely reflected all sorts of opinions, even those critical of the authorities.

51. However, mention was made of a certain amount of de facto discrimination in access to the media, due mainly to the disproportionate number of State media to which the National Salvation Front has free access in comparison with the much smaller number available to other groupings. This imbalance is particularly apparent in the provinces. Similarly, the shortage of material resources is said mainly to affect the press organs of certain parties and groupings, in particular because of the monopoly exercised by the State over printing works, the centralized programming of the use of presses, obstacles to the importation of photocopying machines, and restrictions on paper supplies, the distribution of newspapers and subscription deliveries. In

addition, printing works which had formerly belonged to traditional parties have not been returned to them. And strikes fomented in certain State printing works sometimes impede the publication of opposition newspapers.

52. Many reservations were expressed about the impartiality of television directors. Criticisms include the selective coverage of events, the encouragement of hostility towards certain political groupings, disinformation and lack of transparency with regard to certain essential public concerns (in particular, the responsibility of the leaders in the events of December and the massacres, the number of persons arrested, the exact status of the Securitate, etc.). Some persons, in particular leaders of political parties, also expressed regret at the limited amount of air time allotted to them and the ban on the setting-up by the parties of their own radio and television stations.

F. Right of assembly and association; participation in the conduct of public affairs

53. According to the information and testimony received by the Special Rapporteur, the right of assembly and association, which used to be severely limited, has been restored and a decree has been adopted concerning the freedom and organization of public assemblies. Henceforth, any political association with more than 251 members may be granted legal personality; the same holds for a non-political association with more than 20 members. This liberalization has led to a proliferation of various parties and groupings. The parties are in fact represented (three members each) on the Provisional Council of National Unity, which is functioning as a provisional legislative authority; half the Council's seats are occupied by representatives of the parties. The Communist Party has been outlawed. However, a number of persons questioned on this point by the Special Rapporteur, in particular senior members of various political parties, drew attention to certain obstacles which, in practice, are restricting the exercise of freedom of assembly and association. Thus, the organization of public meetings is limited by decree; such meetings have to be notified 48 hours in advance, and have to be held in specific places (such as public parks) and outside working hours. In addition, the organizers of these meetings are held responsible for ensuring that they take place in an orderly fashion; this responsibility was regarded as particularly onerous by certain spokesmen, given that incidents caused by agents provocateurs are said to be frequent at political meetings.

54. The political parties are in practice confronted with a number of material difficulties and obstacles, such as how to obtain premises for their headquarters, sufficient air time to present their manifestos on television, funds and propaganda material. The centralized financing of the campaign for the elections, currently scheduled for 20 May 1990 (postponement until September 1990 has nevertheless been called for by several parties), is perceived by the leaders of certain parties as a means of controlling and restricting their activities, in particular by limiting to office supplies the assistance they are authorized to receive from abroad.

55. Several persons emphasized the continued existence of certain psychological obstacles to exercise of the right to freedom of opinion and expression. The former climate of suspicion and fear, which made it

practically impossible to express any divergent opinion or to hold free meetings, has left after-effects that cannot be expected to disappear completely until some time has elapsed. In the meantime, there is a continued danger of manipulation of public opinion.

56. A number of persons questioned by the Special Rapporteur criticized the decision of the National Salvation Front to stand in the future elections, and maintained that the means of action available to this grouping are out of proportion to those of the other parties and accordingly distort electoral activity. According to several persons interviewed, the demonstration held on 28 January 1990 by the major traditional parties took place in an atmosphere of intimidation and was accompanied by a counter-demonstration which ended in the looting of several party headquarters. According to the same witnesses, this counter-demonstration was not spontaneous but took place following televised appeals to the workers to react to the demonstration which, according to those appeals, endangered the achievements of the revolution.

57. In addition, the Special Rapporteur has received a copy of an electoral bill which is to be submitted to the Council.

G. Right to work: trade union rights

58. According to the information and testimony received, the main violations of the right to work and trade union rights have stopped. Since the programme of "systematization" has been abandoned once and for all, the enforced changes of place of work and residence that it involved will not be implemented. The right to time off from work, which was often not respected in the past, is now guaranteed and the five-day working week will be established as of 1 March 1990. Decree No. 153/1970, under which persons deprived of work for political reasons could be charged with "parasitism", has also been repealed.

59. With regard to trade union rights, a number of independent trade unions have been established. Persons to whom the Special Rapporteur spoke about this matter expressed some concern about the establishment, in a large number of enterprises, of National Salvation Front bodies to replace local structures of the abolished Communist Party. They said that these bodies are carrying out collective recruitment on the basis of membership lists. The Special Rapporteur was informed that a request for the suppression of these bodies and their replacement by independent trade unions was on the agenda of a forthcoming meeting of the Provisional Council of National Unity.

H. Right to an adequate standard of living

60. With regard to the main elements of the right to an adequate standard of living, namely, the right to food, housing and satisfactory living conditions, as well as the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the persons with whom the Special Rapporteur spoke all expressed the view that the full guarantee of these rights would be a long-term process. The abandonment of "systematization" is a positive step in this direction. Enormous economic problems still exist, however, and there is a shortage of medical equipment and supplies. The

problem of concealed unemployment and the need to develop the economic infrastructure were also discussed. The economic crisis even seems to have had adverse effects on inter-ethnic relations.

I. Right to education: cultural rights

61. During talks with education officials, the Special Rapporteur was informed of the project for the reorganization of curricula, which is, on the basis of the new guidelines, intended to eliminate political indoctrination courses and to establish introductory courses on democratic values.

62. Many persons and, in particular, the representatives and members of the Hungarian national minority with whom the Special Rapporteur spoke raised the problem of instruction in minority languages. The Special Rapporteur was informed that Hungarian teachers, parents and students wanted schools to be split along language lines and separate schools to be established where tuition would be given in Hungarian in areas where members of this minority live. The representatives of the Hungarian ethnic group also stressed that Bolyai University in Cluj, which had originally been Hungarian and had been merged in 1961 with the Romanian Babes University, should become an entirely Hungarian university that would represent Hungarian culture as a whole. In this connection, the Special Rapporteur found that there was some difference of opinion between the representatives of the Hungarian minority, for whom the separation of schools along language lines and the cultural autonomy of minorities are matters of an urgent nature, and some members of the Romanian ethnic group, who regard this demand as premature and do not plan to comply with it before the start of the next school term at the earliest.

63. Many persons confirmed that there has been a cultural renaissance marked by a proliferation of revues, theatre activities and publications of various kinds. Censorship has been completely abolished. Publishing houses are now independent from the Ministry of Culture, whose senior officials have been replaced since the events occurred. A new Writers' Union has been established. In order to guarantee the minority nationalities' autonomy as far as creative and cultural activities are concerned, a Deputy Minister of Hungarian Culture has been appointed. The re-establishment of television programmes in Hungarian, new publications in this language and renewed activity by minority theatres were cited as examples of the improvement in conditions for cultural creativity among minorities.

J. Rights of persons belonging to minorities

64. Most of the persons with whom the Special Rapporteur spoke on this issue said that the previous régime had been responsible for heightened ultranationalist Romanian sentiment, which had helped to create an atmosphere of distrust and lack of understanding between the various national ethnic groups. This atmosphere, whose effects have been felt by all ethnic minorities, has especially poisoned relations between the members of the Romanian ethnic group and persons of Hungarian origin. According to some representatives of the Hungarian ethnic group, this lack of understanding continues to exist in some circles, as shown, for example, by the activities of groups such as the "Vatra Romanesc Union", which spread racist slogans. However, most of the persons with whom the Special Rapporteur spoke agreed

that there had been a considerable improvement in the status of the national minorities. A proclamation by the Provisional Council of National Unity thus calls for the establishment of a ministry for national minorities. Reference was also made to the appointment to the Ministries of Culture and National Education of deputy ministers of Hungarian origin, the establishment of several democratic unions representing minority interests, such as the Hungarian Democratic Union, which is said to have 500,000 members, the granting of 27 seats to representatives of national minorities in the Provisional Council of National Unity and the appointment of a representative of the Hungarian minority to the post of Deputy Chairman of the National Salvation Front. For most of the persons with whom the Special Rapporteur spoke, the question of instruction and the separation of schools along language lines is the main problem that now exists with regard to the rights of persons belonging to minorities (see also paras. 61 and 62 above). Some representatives of the Hungarian ethnic group made demands relating to political and cultural autonomy for minorities and the right to self-management at the local level. In the cultural sphere, reference was made to progress in guaranteeing cultural autonomy and the opportunities of minorities for artistic and cultural creativity (see also para. 63 above).

III. CONCLUSIONS AND RECOMMENDATIONS

65. The Special Rapporteur is pleased to note that respect for human rights has improved considerably in Romania since the revolution of December 1989. The authorities with whom he met were, moreover, unanimous in expressing their firm determination to guarantee both a return to genuine democracy and the full restoration of human rights in all their aspects. They have already taken a number of legislative and regulatory measures for this purpose, together with restructuring measures.

66. However, although the texts are generally satisfactory, human rights have not actually been re-established; quite frequently, their exercise encounters de facto obstacles.

67. The Special Rapporteur was unable to shed light on the specific cases brought to his attention. He was, however, able to see that there is still an atmosphere of suspicion, if not fear, in Romania and that it will definitely take time to rebuild confidence. Moreover, the idea of the existence of human rights is still not very widespread among the population and measures will have to be taken to make them better known.

68. The Special Rapporteur particularly wishes to stress that a number of persons who are prominent in political life are still being subjected to threats, including death threats; many are still wary of the Securitate; real freedom to establish and disseminate newspapers and magazines is not yet fully guaranteed; and the problem of ethnic minorities will still require careful consideration and appropriate measures. The Special Rapporteur is obviously not unaware that, in the space of two months, it is impossible to reform institutions, amend legislation and, above all, change ways of thinking in order to re-establish respect for human rights, which have been disregarded for decades. That is a long-term process. For that reason, however, the process calls for constant vigilance on the part of the authorities and citizens.

69. The Special Rapporteur therefore recommends that the Commission on Human Rights should:

(a) Take note of the considerable improvement in respect for human rights that has taken place in Romania;

(b) Recommend that the Romanian authorities should:

(i) Continue their action to ensure that human rights in all their aspects are respected in their country, both de jure and de facto;

(ii) Pay particular attention to the points raised in this report by the Special Rapporteur;

(iii) Consider the possibility of using the Voluntary Fund for Advisory Services set up by the Centre for Human Rights in order to establish national institutions for the promotion and protection of human rights and to strengthen existing institutions.

Annex I

COMMENTS BY THE ROMANIAN AUTHORITIES ON SPECIFIC CASES AND ON CASES OF FAMILY REUNIFICATION

Specific cases

1. All the persons referred to in the list of specific cases who were in prison have been released.

2. Many of these persons have governmental or political responsibilities in the structures of the Provisional Council of National Unity or in the political parties or are very active in the media:

ANDREESCU Gabriel, APOSTOL Gheorghe, BIRLADEANU Alexandru, BRUCAN Silviu, MANESCU Corneliu, DINESCU Mircea, FILIPESCU Radu, KIRALY Károly and TOKES László are members of the Provisional Council or have political responsibilities;

BLANDIANA Ana, BACANU Petre Mihai, CREANGA Mihai, UNCU Anton, BUZURA Augustin, BOTEZ Mariana Celac, DESLIU Dan, DINESCU Mircea, MUNTEANU Aurel Dragos, SERBANESCU Pia and STOICA Ion are leading figures in press, literary and media circles and are very active in political life;

PLESU Andrei and PETRESCU Dan have governmental responsibilities, since they are the Minister and Deputy Minister of Culture respectively;

PUIU Ion and STANCESCU Nicu are leaders of political parties;

CALCIU-DUMITREASA Gheorghe, POPESCU Nestor and RUTA Ioan Constantin, as well as many others, have already left the country to settle abroad (United States of America, Federal Republic of Germany and other countries);

BEJAN Maria: the Ministry of Foreign Affairs gave Amnesty International a reply indicating that she was free and living with her family;

CORNEA Doïna and MAZILU Dumitru, leading members of the Revolution, have gone abroad and enjoy all their rights, particularly full freedom of expression;

IUGA Dumitru is chairman of the free trade union of Romanian television;

PARASCHIV Vasile, TOTU Vasile and others recently spoke out or expressed their opinions in the press.

Cases of requests for family reunification

3. Most of these cases have been or are being settled.

4. As a result of the adoption of the new passport legislation (Decree-Law No. 10 of 8 January 1990 on passports and travel abroad), the problem no longer arises because the exit visa requirement has been abolished. Every citizen is entitled to request and obtain a passport to leave the country. The possible reasons for a refusal are expressly stated and very limited; an applicant may take the matter to court if he considers that such a refusal is not justified.

5. Some of these cases have not yet been settled because the host countries have not issued the necessary entry visas.

Annex II

PROGRAMME OF WORK

Monday, 12 February 1990

4.30 p.m.	Arrival in Bucharest and first meeting with officials from the Ministry of Foreign Affairs
7 to 10 p.m.	Hearing of witnesses

Tuesday, 13 February 1990

9.30 a.m.	Meeting at the Ministry of Foreign Affairs
1.30 p.m.	Hearing of witnesses
3 p.m.	Meeting with Mr. G. Robu, Government Attorney
6 to 10.30 p.m.	Hearing of witnesses

Wednesday, 14 February 1990

9 a.m.	Meeting with Mr. D. Petrescu, Deputy Minister of Culture
10 a.m.	Meeting with Mr. C. Manescu, Deputy Chairman of the Executive Bureau of the Provisional Council of National Unity and Chairman of the Commission on Foreign Policy
11 a.m.	Hearing of witnesses
12 noon	Meeting with Colonel-General Mihail Chitac, Minister of the Interior, and with senior prison administration officials
2 p.m.	Hearing of witnesses
3 p.m.	Meeting with Mr. M. Popa, president of the court of the municipality of Bucharest, and other civilian and military judicial officers
4 p.m.	Meeting with members of the Commission on the Constitution and Human Rights
	Meeting with members of the Commission on National Minorities
7 to 8.30 p.m.	Hearing of witnesses

Thursday, 15 February 1990

10 a.m.	Arrival in Cluj
10.30 a.m.	Hearing of witnesses
12 noon	Meeting with the Mayor of Cluj
1 p.m.	Hearing of witnesses
3.30 p.m.	Meeting with the Prefect of the District of Cluj
7.30 p.m.	Return to Bucharest
8.30 to 11.30 p.m.	Hearing of witnesses

Friday, 16 February 1990

8 a.m.	Hearing of witnesses
9 a.m.	Meeting with senior officials of the Ministry of Defence
10.30 a.m.	Hearing of witnesses
11.30 a.m.	Meeting with Mr. R. Neagu, Acting Minister for Foreign Affairs
12.30 to 2.30 p.m.	Meeting with Mr. N. Stancescu, Chairman of the National Commission to Consider and Settle Claims and Complaints by Victims of the Dictatorship.

Annex III

DECREE NO. 7/1990 ESTABLISHING EMERGENCY MILITARY COURTS TO TRY AND PUNISH TERRORIST ACTS */

Bearing in mind the fact that, during and after the victory of the people's revolution of December 1989, elements in the service of the dictatorship committed terrorist acts which caused losses of human life and damage to property, and the fact that it is urgently necessary to try and punish persons who committed such acts,

The Council of the National Salvation Front

Hereby decrees:

Article 1. Emergency military courts shall be established in all districts (judets) in the country, as well as in the municipality of Bucharest, to try persons who have committed acts of terrorism.

Article 2. The emergency military courts shall sit in full, being composed of two judges of the District Court, seconded by the President of that Court, and three officers appointed by the local military command.

The courts in the districts of Cluj, Iasi and Timisoara, as well as in the municipality of Bucharest, shall be composed of two judges of the substantive Military Court of these garrisons, seconded by the President of that Court, and three officers appointed by the local military command.

Article 3. The emergency military courts shall try the offences referred to in the Penal Code and in the ad hoc legislation concerning obstacles to the people's revolution, the destabilization of the State and threats to its existence, as well as to the physical integrity and health of persons, national assets, whether personal or private, and property belonging to the national cultural heritage.

The emergency military courts shall also try offences consisting in passing over in silence or inciting the acts referred to in subparagraph 1 above.

The provisions of the Code of Criminal Procedure and other legislative acts relating to jurisdiction ratio personae shall not be applicable.

---

*/ Unofficial translation.

Article 4. The offences referred to in article 3 shall be tried in accordance with the emergency procedure provided for in cases of flagrante delicto. The participation of the prosecutor in the trial shall be compulsory.

The trial of concurrent, indivisible or related offences shall be within the jurisdiction of the emergency military courts.

Legal assistance shall be compulsory. If the accused has not chosen a lawyer, a defence counsel shall be appointed by the court.

Article 5. Appeals against sentences handed down by the emergency military courts shall be heard as a matter of priority by the Territorial Military Court sitting in full as a panel of three judges.

(Signed) I. Iliescu
Chairman, Council of the
National Salvation Front